

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,

Plaintiff,

v.

COMMISSIONER STAN TAYLOR,
WARDEN RICK KEARNEY,
SGT. BARRY BILES, and TIANA
BANKS,

Defendants.

C.A. No. 04-1523-JJF

AFFIDAVIT OF BARRY BILES

1. I am employed by the State of Delaware, Department of Correction at the Sussex Correctional Institution ("SCI"), in Georgetown, Delaware, as a Correctional Officer. I have been employed by the Department of Correction for 15 years and as a Sergeant for 7 years.

2. I have reviewed Plaintiff's Complaint and dispute the allegations therein.

3. On July 6, 2004, I observed Inmates Robbie Jones and Damon Brittingham yelling profanities at two correctional officers who were leaving the compound together.

4. After returning to my office, I individually called both inmates to my office to discuss what I had observed. Inmate Brittingham was called to the office first with no incident. After Inmate Brittingham left the office, Inmate Jones was escorted to the office by Officer Banks.

5. Officer Banks did not remain after bringing Jones to my office, nor did she return at any point while Jones was in my office. There were also no other officers


present. If Officer Banks or any other officer had been present for the incident, I would have included their name on my incident report.

6. When Jones entered my office, I was seated and he was not handcuffed. He was hostile, yelling, and using profanity from the moment he came to my office. He did not obey an order to sit down and be quiet, but instead stepped forward and raised his hands and stated "You can't make me sit the F— down." This is documented in my incident report written on the date of the incident.


7. Jones and I were alone in the office and I immediately made the decision to subdue Jones by using an A-frame chokehold which is a hold I was taught when trained at the Academy. This was the quickest and most effective way to gain complete control of Jones in tight quarters. He was then immediately put up against the wall, handcuffed, and escorted to ASDA (Administrative Segregation). No further force was needed or used.

8. My incident report was submitted to and approved by my shift commander, David Wilkinson. A use of force review was conducted by Lieutenant Joe Isaacs and it was determined that proper procedure was followed.

9. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Barry Biles

SWORN AND SUBSCRIBED before me this 9 day of August, 2007.


Notary